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UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of :  
ORIANA SCHONEBERG :  
Serial No.: 10/501,000 : Art Unit 3742  
Filed: 07/06/2004 : Examiner Sang Y. Paik  
For: **THERAPEUTIC DECORATIVE OBJECT:**

\_\_\_\_\_ :

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action of November 27, 2006 requiring the election of invention, Applicant submits the following:

The Applicant hereby provisionally elects to prosecute the Examiner's species 15, covering Figures 26-29 and claims 22-24 and also generically covering claims 8 and 21 with traverse and reserves the right to file divisional applications or take such other appropriate measures as it deems necessary to protect the invention of all species.

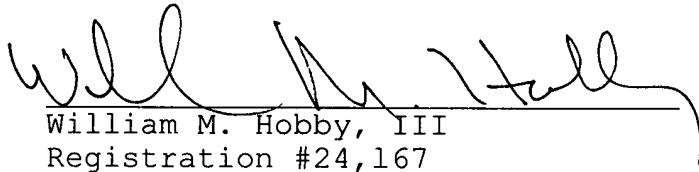
Applicant traverses the requirement in that the 28 species are not independent and distinct or do not have different utilities and functions. The 28 species contain numerous overlaps which naturally breakdown into different groupings than as set forth in the 28 species. The inventions are not independent or distinct and have not required a separate status of the art in view of the different classifications and the restriction for examination purposes as indicated is not proper.

Applicant requests reconsideration and modification of the requirement of electing between 28 species into those species which are independent and distinct inventions as grouped by the claims.

Applicant further objects under Rule 1.142 that requires that a restriction requirement normally will be made before any action on the merits but may be made at any time before a final action. This case has had a series of actions and has had the final rejection appealed. The Appellant's Brief has been filed by the Applicant, which has been amended and refiled twice as required by the Examiner and Applicant has paid the fees for the filing of

the Appeal and Brief. Taking this action at this point in the prosecution has worked a hardship on the Applicant as well as placed additional financial obligation on the Applicant.

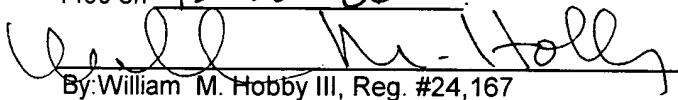
Respectfully submitted,

  
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### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-20-06.

  
By: William M. Hobby III, Reg. #24,167